

## **EXHIBIT “B”**



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: www.nysdhcr.gov

Gertz Plaza  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
VC 210075 OM  
Issue Date  
09/19/2008

## ORDER GRANTING MCI RENT INCREASE

### Mailing Address of Owner:

Hoti Realty Management Co. Inc  
C/O Unger Realty Services  
1372 Coney Island Ave  
Brooklyn, NY 11230

### Subject Premises:

3001 Avenue R  
SEE PAGE 5 FOR THE LIST OF  
APPLICABLE BUILDING ADDRESSES

PER: (X) Section 2522.4(a) (2) of the Rent Stabilization Code  
( ) Section 2202.4(c) of the Rent and Eviction Regulations

**I. FACTS:** On 03/30/2007 the owner applied for an increase in the legal regulated rent as a result of completing a Major Capital Improvement. The tenants were afforded an opportunity to comment:

VARIOUS TENANTS RESPONDED TO THE APPLICATION. SEVERAL TENANTS MADE COMPLAINTS INDIVIDUALLY AND AS A GROUP ABOUT VARIOUS PROBLEMS WITH THE WINDOW INSTALLATION. THE OWNER WAS NOTIFIED AND SUBMITTED WORK ORDERS TO SUPPORT WINDOW REPAIRS IN NUMEROUS APARTMENTS; OWNER STATED HE COULD NOT GAIN ACCESS TO OTHERS. A DHCR INSPECTION WAS HELD ON 9/17/08 TO ASCERTAIN THE REMAINING COMPLAINTS: TWO (2) TENANTS STATED REPAIRS WERE MADE; ONE (1) DID NOT PROVIDE ACCESS AND ONE (1) INSPECTION REVEALED NO PROBLEMS WITH THE WINDOWS. ACCORDINGLY, THE INCREASE IS GRANTED.

**II. DHCR FINDS:** The legal regulated rent for all stabilized and rent controlled housing accommodations are increased by \$15.78 per room per month.

This increase is subject to the limitations outlined under Section V. for rent controlled tenants and Section VI. (C) for rent stabilized tenants. Notice temporarily reducing MCI increase may follow if owner received J-51 abatement.

III.	ITEM	CLAIMED COST	APPROVED COST	REASON FOR DISALLOWANCE
	APARTMENT WINDOWS	37,107.60	37,107.60	

### IV. COMPUTATION OF PERMANENT RENT INCREASE:

1.	Total approved cost	\$	37,107.60
2.	Divided by 84 months	\$	441.76
3.	Total rooms		28
4.	Rent increase per rm. per mo.	\$	15.78

To: HOTI REALTY MANAGEMENT CO. INC  
C/O UNGER REALTY SERVICES  
1372 CONEY ISLAND AVE  
BROOKLYN, NY 11230



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: [www.nysdhcr.gov](http://www.nysdhcr.gov)

Gertz Plaza  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
VC 210075 OM  
Issue Date  
09/19/2008

## ORDER GRANTING MCI RENT INCREASE

### V. RENT CONTROLLED APARTMENTS - EFFECTIVE DATES AND LIMITATIONS:

For rent controlled tenants, increase is effective and collectible on 10/01/2008 and shall not exceed 15% of the rent as of 09/19/2008 each year.

### VI. RENT STABILIZED APARTMENTS:

#### A) EFFECTIVE DATES:

For stabilized tenants, increase is effective as of 06/01/2007; collectible as of 10/01/2008.

#### B) TEMPORARY RETROACTIVE INCREASE (RENT STABILIZED ONLY):

Permanent increase \$ 15.78 X 16 mos. ( 06/01/2007 to 10/01/2008 ) =  
\$ 252.48 per room.

#### C) LIMITATION ON COLLECTIBILITY:

Pursuant to section 26-511 (c) (6) of the Rent Stabilization Law, collection of the rent increase, including any temporary arrears which may be due, shall not exceed 6% of the rent as of 03/01/2007 (the rent roll date) in any 12 month period, with the excess spread forward in similar increments. Total arrears may be higher as the result of the compounding of guidelines increases during the retroactive period. Permanent rent increase is to be collected first.

### VII. IMPORTANT:

- (1) Service reduction orders bar collectibility of this increase for any period during which such reduction order is in effect.
- (2) To collect this increase the lease must provide for an increase pursuant to DHCR order.
- (3) For this MCI to be collectible during a vacancy lease term the vacancy lease must state that MCI is pending and list items.
- (4) If a stabilized tenant moves from the building on/after this order's effective date, owner may charge prior tenant full increase for period tenant was in apartment.
- (5) Sr. citizens who qualify for SCRIE may not have to pay the increase. For SCRIE information call (212) 442-1000.
- (6) Disabled persons who qualify for DRIE may not have to pay the increase. For DRIE information call (212) 788-2830.
- (7) If you believe this order is based on an error in law and/or fact you may file a Petition for Administrative Review within 35 days of issuance of this order. Call (718) 739-6400 or visit your Borough Rent Office and request form RAR-2.



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: [www.nysdhcr.gov](http://www.nysdhcr.gov)

Gertz Plaza  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
VC 210075 OM  
Issue Date  
09/19/2008

## ORDER GRANTING MCI RENT INCREASE

*Lilia Albano*

LILIA ALBANO  
Rent Administrator  
Date Issued: 09/19/2008

Attachment(s): APARTMENT/TENANT LISTING  
LIST OF APPLICABLE BUILDING ADDRESSES



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: [www.nysdhcr.gov](http://www.nysdhcr.gov)

Gertz Plaza  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
VC 210075 OM  
Issue Date  
09/19/2008

LISTING OF TENANT(S)  
AFFECTED BY THIS ORDER

Subject Housing Accommodation: 2995 TO 2999 AVENUE R  
BROOKLYN NY 11229 .

3001 AVENUE R

PAGE: 1

2995 AVENUE R

RENT STABILIZED APARTMENTS

APARTMENT NUMBER	TENANT NAME	ROOM COUNT
72A	L. TEVAULT	4
72B	J. VERA	4

2997 AVENUE R

RENT STABILIZED APARTMENTS

APARTMENT NUMBER	TENANT NAME	ROOM COUNT
71A	P. CAROSELLI	3
71B	M. ROSENBERG	3

2999 AVENUE R

RENT STABILIZED APARTMENTS

APARTMENT NUMBER	TENANT NAME	ROOM COUNT
70A	J. CUSUMANO	3
70B	E. SULLIVAN	3

3001 AVENUE R

RENT STABILIZED APARTMENTS

APARTMENT NUMBER	TENANT NAME	ROOM COUNT
69A	JOHN LAVIN	4
69B	EUGENE FEMEN	4



State of New York  
Div. of Housing & Community Renewal  
MCI Unit  
92-31 Union Hall St  
Jamaica NY 11433

Form No: RA79-N (6/2008)  
Notice to Tenant of MCI  
Rent Increase Application  
Docket No: WH 210028 OM  
Mailing Date: 09/19/2008

Subject Premises:  
2995-3001 AVENUE R  
1805 TO 1823 STUART ST  
BROOKLYN NY 11229

Owner: HOTI REALTY MANAGEMENT  
UNGER REALTY SERVICES  
1372 CONEY ISLAND AVENUE  
BROOKLYN, NY 11230

This is a summary of an application for a Major Capital Improvement rent increase filed by the owner of your building. DHCR will issue an order to all parties to grant or deny (in whole or in part) the increase requested based upon the information/evidence provided by the owner and tenants. If you wish to comment on the information provided, write your response on the back of this notice. Your response should be signed, dated and mailed within thirty (30) days of the date printed above. If you need more than thirty (30) days to respond, use the back of this form to request an extension. Include the docket number on all correspondence.

ITEM(S) FOR WHICH INCREASE IS REQUESTED	AGE OF ITEM(S) REPLACED	WORK DATES FROM TO	OWNER'S CLAIMED COST
ENTRANCE STORM DOORS	15	06/20/2007 04/04/2008	313,161.24
1. TOTAL CLAIMED MCI COSTS			313,161.24
2. DEDUCTIONS FROM CLAIMED MCI COSTS			
A. COMMERCIAL ALLOCATION OF MCI	(	0.00 )	
B. COOPERATIVE RESERVE FUND/CREDIT	(	0.00 )	
C. INSURANCE PROCEEDS FROM LOSS	(	0.00 )	
D. GRANT AMOUNTS FROM GOV'T AGENCIES	(	0.00 )	
3. TOTAL DEDUCTIONS FROM MCI COSTS (add lines 2A through 2D)	(	0.00 )	
4. NET CLAIMED MCI COSTS (subtract line 3 from line 1)			313,161.24
5. AMORTIZE OVER 84 MONTHS (divide line 4 by 84)			3,728.11
6. TOTAL RESIDENTIAL ROOMS IN BUILDING			478
7. RENT INCREASE PER ROOM PER MONTH (divide line 5 by line 6)			7.80

MCI rent increases are based on the number of rooms in your building. The owner's application states that there are 4 rooms in your apartment. If you wish to challenge this room count you must provide substantive evidence in the form of either copies of floor plans or hand drawn diagrams, which include the exact measurements of all walls, noting the location of all windows, doors and archways for each room in the apartment. The definition of a room for Major Capital Improvement rent increase purposes can be found in Policy Statement 93-2 which is available from the Office of Public Information at the telephone number noted below or on the DHCR website ([www.nysdhr.gov](http://www.nysdhr.gov)).

You may review a copy of the MCI application and supporting documentation at:

- THE DHCR OFFICE LISTED AT THE TOP OF THIS FORM. CALL (718) 739-6400 OR YOUR BORO OFFICE TO REQUEST AN APPLICATION FOR "ACCESS TO RECORDS" FORM
- THE OFFICE OF THE RESIDENT MANAGER, MANAGING AGENT, OR SUPERINTENDENT LOCATED AT: 1865 BURNETT STREET

Aug. 6, 2008 Filling

LILIA ALBANO  
RENT ADMINISTRATOR

09/19/2008  
DATE

To: HOWARD DISTAFANO OR  
CURRENT OCCUPANT DO NOT FORWARD  
APT 47A  
1869 BURNETT ST  
BROOKLYN NY 11229